

1 BRAD W. SEILING, SBN 143515
 2 JOANNA MCCALLUM, SBN 187093
 3 MANATT, PHELPS & PHILLIPS, LLP
 4 11355 West Olympic Boulevard
 5 Los Angeles, CA 90064-1614
 6 Telephone: (310) 312-4000
 7 Facsimile: (310) 312-4224
 8 Email: bseiling@manatt.com; jmccallum@manatt.com

9 CLAUDIA CALLAWAY (Admitted *Pro Hac Vice*)
 10 MANATT, PHELPS & PHILLIPS, LLP
 11 700 12th Street, N.W.
 12 Washington, DC 20016
 13 Telephone: (202) 585-6504
 14 Facsimile: (202) 585-6600
 15 Email: ccallaway@manatt.com

16 JESSE S. FINLAYSON, SBN 179443
 17 MICHAEL R. WILLIAMS, SBN 196863
 18 FINLAYSON, AUGUSTINI & WILLIAMS LLP
 19 110 Newport Center Drive, Suite 100
 20 Newport Beach, CA 92660
 21 Telephone: (949) 759-3810
 22 Facsimile: (949) 759-3812
 23 Email: jfinlayson@faw-law.com; mwilliams@faw-law.com

24 Attorneys for Defendant and Counterclaimant
 25 CASHCALL, INC.

16 UNITED STATES DISTRICT COURT
 17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 18 SAN FRANCISCO DIVISION

19 TRICIA LECKLER, ON BEHALF OF
 20 HERSELF AND ALL OTHERS SIMILARLY
 21 SITUATED,

22 Plaintiffs,

23 v.

24 CASHCALL, INC.,

25 Defendant.

26 AND RELATED COUNTERCLAIMS.

27 CASE NO. C 07-04002 SI

28 **STIPULATION RE: (A) CONTINUING
 CLASS CERTIFICATION MOTION
 HEARING DATE AND BRIEFING
 SCHEDULE THEREON; AND
 (B) SCHEDULING STATUS CONFERENCE**

Current Class Certification Motion Hearing:

Date: September 22, 2008
 Time: 9:00 a.m.
 Place: Courtroom 10, 19th Floor
 Judge: Hon. Susan Illston

Proposed Class Certification Motion Hearing:

Date: October 10, 2008
 Time: 9:00 a.m.

1 Plaintiff Tricia Leckler and Defendant CashCall, Inc. submit this Stipulation Re:
 2 (A) Continuing Class Certification Motion Hearing Date and Briefing Schedule Thereon; and
 3 (B) Scheduling Status Conference.

4 **RECITALS**

5 A. On March 4, 2008, the Court entered an order approving the parties' stipulation to
 6 schedule hearing dates and establish briefing schedules related to their cross-motions for partial
 7 summary judgment (continued hearing date – May 14, 2008) and Plaintiff's motion for class
 8 certification (hearing date – September 5, 2008).

9 B. The parties agreed to postpone conducting class discovery until after the Court ruled
 10 on the parties' cross-motions for partial summary judgment.

11 C. On May 14, 2008, the Court held a hearing on the parties' cross-motions for partial
 12 summary judgment and, after argument by counsel, took the matters under submission.

13 D. On May 20, 2008, the Court entered order granting Plaintiff's motion for partial
 14 summary judgment and denying Defendant's motion for partial summary judgment.

15 E. On or about May 30, 2008, Plaintiff propounded class discovery, including
 16 interrogatories, document requests, and a notice of deposition of Defendant's person(s) most
 17 knowledgeable in an attempt to meet the existing briefing schedule. Due to the amount of discovery
 18 requested in this Telephone Consumer Protection Act case in which discovery, including databases
 19 going back four years, has been requested, Defendant has determined that additional time will be
 20 required to assemble responsive documents and respond to the interrogatories. As a result, Defendant
 21 has requested of Plaintiff approximately 30 days additional time to respond to Plaintiff's discovery
 22 requests.

23 F. On July 1, 2008, the Court, on its own motion, rescheduled the hearing date on
 24 Plaintiff's class certification motion from September 5, 2008, to September 22, 2008.

25 G. With a due date for filing Plaintiff's class certification motion only about two months
 26 after the hearing date on the parties' motions for partial summary judgment, Plaintiff's counsel
 27 advised the Court at the May 14, 2008 hearing that they might have to request a continuance of the
 28 class certification filing deadlines and hearing date. In order to allow the minimum of such additional

1 time for class discovery and for briefing on Plaintiff's class certification motion, the parties propose
 2 to continue the class certification motion hearing for approximately three weeks to October 10, 2008,
 3 and to extend the current briefing schedule filing deadlines by approximately 35 days.

4 H. Based on the proposed October 10, 2008 hearing date, the parties have agreed to the
 5 following briefing schedule on Plaintiff's class certification motion: (1) Plaintiff shall file and serve
 6 her opening brief on or before August 25, 2008; (2) Defendant shall file and serve its opposition brief
 7 on or before September 15, 2008; and (3) Plaintiff shall file and serve her reply brief on or before
 8 September 29, 2008.

9 I. There is currently no status conference scheduled in this case. At the May 14, 2008
 10 hearing on the parties' cross-motions for partial summary judgment, the Court requested that the
 11 parties submit a stipulation scheduling a status conference for the same day as the hearing on
 12 Plaintiff's class certification motion.

13 THEREFORE, IT IS HEREBY STIPULATED BETWEEN THE PARTIES AND THEIR
 14 RESPECTIVE ATTORNEYS OF RECORD THAT:

15 **STIPULATION**

16 1. The hearing date on Plaintiff's class certification motion shall be continued from
 17 September 22, 2008, at 9:00 a.m., to October 10, 2008, at 9:00 a.m.

18 2. Based upon the proposed October 10, 2008 hearing date for Plaintiff's class
 19 certification motion, the following briefing schedule on Plaintiff's class certification motion shall be
 20 followed:

21 A. Plaintiff shall file and serve her opening brief on or before August 25, 2008;
 22 B. Defendant shall file and serve its opposition brief on or before September 15,
 23 2008; and

24 C. Plaintiff shall file and serve her reply brief on or before September 29, 2008.

25 3. A status conference shall be held on October 10, 2008, at 9:00 a.m., following the
 26 hearing on Plaintiff's class certification motion.

27 *[continued on next page]*

4. By entering into this Stipulation, Defendant is not waiving its rights to request that the Court stay all proceedings in this case, as set forth in Defendant's Motion for Certification of Order for Interlocutory Appeal and for Stay of Proceedings filed on June 6, 2008.

DATED: July 2, 2008

BRAD W. SEILING
JOANNA MCCALLUM
CLAUDIA CALLAWAY
MANATT, PHELPS & PHILLIPS, LLP

JESSE S. FINLAYSON
MICHAEL R. WILLIAMS
FINLAYSON, AUGUSTINI & WILLIAMS LLP

By: _____ /s/ Michael R. Williams
Michael R. Williams

Attorneys for Defendant and Counterclaimant
CASHCALL, INC.

DATED: July , 2008

JOSHUA B. SWIGART
HYDE & SWIGART

DOUGLAS J. CAMPION
LAW OFFICES OF DOUGLAS J. CAMPION

By: _____
Douglas J. Campion

Attorneys for Plaintiff and Counterdefendant
TRICIA LECKLER

Leckler - Revised Stipulation Regarding Class Certification Motion Schedule

4. By entering into this Stipulation, Defendant is not waiving its rights to request that the Court stay all proceedings in this case, as set forth in Defendant's Motion for Certification of Order for Interlocutory Appeal and for Stay of Proceedings filed on June 6, 2008.

DATED: July , 2008

BRAD W. SEILING
JOANNA MCCALLUM
CLAUDIA CALLAWAY
MANATT, PHELPS & PHILLIPS, LLP

JESSE S. FINLAYSON
MICHAEL R. WILLIAMS
FINLAYSON, AUGUSTINI & WILLIAMS LLP

By: Michael R. Williams

DATED: July 2, 2008

JOSHUA B. SWIGART
HYDE & SWIGART

DOUGLAS J. CAMPION
LAW OFFICES OF DOUGLAS J. CAMPION

Attorneys for Plaintiff and Counterdefendant
TRICIA LECKLER

Leckler - Revised Stipulation Regarding Class Certification Motion Schedule

CERTIFICATE OF SERVICE

I, Wendy S. Mills, declare as follows:

I am employed in the County of Orange, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 110 Newport Center Drive, Suite 100, Newport Beach, California 92660, in said County and State. On [July 2, 2008](#), the document(s) entitled:

STIPULATION RE: (A) CONTINUING CLASS CERTIFICATION MOTION HEARING DATE AND BRIEFING SCHEDULE THEREON; AND (B) SCHEDULING STATUS CONFERENCE

was/were served as follows:

CM/ECF ELECTRONIC SERVICE: The following are registered as CM/ECF Users with the Court, and have consented to service through the Court's automatic transmission of a notice of electronic filing:

Counsel for Plaintiffs: bob@westcoastlitigation.com; jmerkel@westcoastlitigation.com; josh@westcoastlitigation.com

Counsel for Defendant: jfinlayson@faw-law.com; wmills@faw-law.com; bseiling@manatt.com; jmccallum@manatt.com

and on the parties listed below by the following means of service:

Counsel for Plaintiffs:

Douglas J. Campion, Esq.

LAW OFFICES OF DOUGLAS J. CAMPION
411 Camino Del Rio South, Suite 301
San Diego, CA 92108

Counsel for Defendant:

Claudia Callaway, Esq.

MANATT, PHELPS & PHILLIPS, LLP
700 12th Street, N.W.
Washington, DC 20016

- BY MAIL:** I placed a true copy of the above-mentioned document(s) in a sealed envelope addressed as indicated above, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in the affidavit.
- BY PERSONAL SERVICE:** I provided a true copy of the above-mentioned document(s) to a messenger for personal delivery to each person named above, at the address(es) shown above, before 5:00 p.m. on the above-mentioned date.
- BY FACSIMILE:** I caused the above-mentioned document(s) to be transmitted by facsimile machine to the parties and numbers indicated above, on the above-mentioned date, pursuant to Rule 2.306. The facsimile machine I used complied with Rule 2.306 and no error was reported by the machine. Pursuant to Rule 2.306, I caused the machine to print a transmission record of the transmission, a copy of which is maintained by this office.
- BY UPS—NEXT DAY AIR:** I placed a true copy of the above-mentioned document(s) in a sealed envelope or package designated by the United Parcel Service with delivery fees paid or provided for, addressed to the person(s) as indicated above, on the above-mentioned date, and I deposited same in a box or other facility regularly maintained by United Parcel Service or delivered same to an authorized courier or driver authorized by United Parcel Service to receive documents.

I am employed in the office of Michael R. Williams, a member of the bar of this Court, and the foregoing document(s) was/were printed on recycled paper.

(FEDERAL) I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 2, 2008.

/s/ Wendy S. Mills

Wendy S. Mills